

# Part I: Introduction

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# Chapter 1.01: Purpose and Application

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## Sections:

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### **1.01.010 Purpose of the Development Code**

- A. The Development Code is declared to be consistent with the Livermore General Plan, as required by Government Code Sections 65000 et seq, California Statutes. A primary purpose of this Code is to implement the General Plan.
- B. The Development Code is adopted to preserve, protect, and promote the public health, safety, peace, comfort, convenience, prosperity and general welfare of residents and businesses in the City. More specifically, the Development Code is adopted to achieve the following objectives:
  - 1. Improve the built environment and human habitat;
  - 2. Conserve and protect the City's natural beauty and setting, including scenic vistas, cultural and historic resources, hills, and trees;
  - 3. Ensure that new development conserves energy, land, and natural resources;
  - 4. Promote development patterns that support safe, effective, and multi-modal transportation options, including auto, pedestrian, bicycle, and transit, and therefore minimize vehicle traffic by providing for a mixture of land uses, walkability, and compact community form;
  - 5. Provide neighborhoods with a variety of housing types to serve the needs of a diverse population;
  - 6. Promote the greater health benefits of a pedestrian-oriented environment;
  - 7. Reinforce the character and quality of Downtown neighborhoods;
  - 8. Remove barriers and provide incentives for walkable urban projects;
  - 9. Protect and promote appropriately located commercial and industrial activities in order to preserve and strengthen the City's economic base;
  - 10. Reduce sprawling, auto-dependent development;
  - 11. Protect and enhance real property values; and
  - 12. Foster the protection of farming operations and other open spaces.

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### **1.01.020 Authority for the Development Code**

This Development Code is enacted based on the authority vested in the City of Livermore by the State of California, including but not limited to: the California Constitution; the Planning and Zoning Law (Government Code Sections 65000 et seq.); and the California

Environmental Quality Act (Public Resources Code Sections 21000 et seq.).

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### I.01.030 Responsibility for Administration

- A. **Responsible bodies and individuals.** This Development Code shall be administered by: the Livermore City Council, hereafter referred to as the “Council;” the Planning Commission, hereafter referred to as the “Commission;” the Community Development Director, hereafter referred to as the “Director;” and the Livermore Community Development Department, hereafter referred to as the “Department.” See also section I.01.040 (Applicability).
- B. **Exercise of discretion.** In the event that a provision of this Development Code allows the Review Authority (responsible body or individual) to exercise discretion in the application of a specific standard or requirement, but does not identify specific criteria for a decision, the following criteria shall be used in exercising discretion:
1. The proposed project complies with all applicable provisions of this Development Code;
  2. The exercise of discretion will act to ensure the compatibility of the proposed project with its site, surrounding properties, and the community; and
  3. The decision is consistent with the General Plan.

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### I.01.040 Applicability of the Development Code

This Development Code applies to all land uses, subdivisions, and development within the City of Livermore, as follows:

- A. **New land uses or structures, changes to land uses or structures.** It shall be unlawful and a violation of this Development Code for any person to establish, construct, reconstruct, alter, or replace any land use or structure, except in compliance with the general requirements for development and land use requirements of Part 3 and Chapter 9.16 (Nonconforming Provisions). No Planning Permit, Building Permit, or Grading Permit shall be issued by the City unless the proposed construction complies with all applicable provisions of this Development Code.
- B. **Subdivisions.** Any subdivision of land proposed within the City after the effective date of this Development Code shall be consistent with the minimum lot size requirements of Part 2 (General to All), Part 3 (Specific to Zones), Part 10 (Subdivision Procedures), and all applicable requirements of this Development Code.
- C. **Minimum requirements.** The provisions of this Development Code shall be minimum requirements for the promotion of the public health, safety, and general welfare. When this Development Code provides for discretion on the part of a City official or body, that discretion may be exercised to impose more stringent requirements than set forth in this Development Code, as may be determined by the Review Authority to be necessary to promote appropriate land use and development, environmental resource protection, and the other purposes of this Development Code.
- D. **Property owned by Federal or State agencies.** The provisions of this Development Code shall not apply to property owned by the United States of America or any of its agencies; by the State of California or any of its agencies or political subdivisions or any local agency not required to comply with this code by State law; or by any other city, county or rapid transit district. All exempt agencies are urged

to submit their proposed projects to the permit and reviews procedures set forth in this code and to cooperate in meeting the goals and objectives of this code and the Livermore General Plan.

- E. **City of Livermore.** The City of Livermore will comply with the standards of this code, except that it may exempt a particular project of the City of Livermore from the application of this code where the City Council determines the exemption is necessary to further the health, safety, or general welfare of the residents of Livermore.
- F. **Conflicting requirements:**
  - 1. Development Code requirements. If different requirements within this Development Code conflict, the provisions of Part 3 control over Parts 4 and 5, and the provisions of Part 6 control over Parts 3, 4 and 5.
  - 2. Development Code and Municipal Code provisions. If a conflict occurs between requirements of this Development Code and requirements of the Livermore Municipal Code or other regulations of the City, the most restrictive shall apply.
  - 3. Development agreements or specific plans. If a conflict occurs between the requirements of this Development Code and standards adopted as part of any development agreement or applicable specific plan, the requirements of the development agreement or specific plan shall apply.
  - 4. Private agreements. This Development Code applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development, land use, or land than a private agreement or restriction (for example, CC&Rs).
- G. **Effect of Development Code changes on projects in progress.** A planning permit application that has been accepted by the Department as complete in compliance with Section 9.01.070 (Initial Review of Application) before the effective date of this Development Code shall be processed in compliance with the requirements in effect when the application is accepted as complete.
- H. **Other requirements may apply.** Nothing in this Development Code eliminates the need for obtaining any other permits required by the City, or any permit, approval or entitlement required by any other applicable special district or agency, and/or the regulations of any State, or Federal agency.

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## I.01.050 Rules of Interpretation

- A. **Authority.** The Director has the authority to interpret any provision of this Development Code. Whenever the Director determines that the meaning or applicability of any Development Code requirement is subject to interpretation, the Director may issue an official interpretation. The Director may also refer any issue of interpretation to the Commission for their determination.
- B. **Language.** When used in this Development Code, the words “shall,” “must,” “will,” “is to,” and “are to” are always mandatory. “Should” is not mandatory but is strongly recommended; and “may” is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number; and the plural the singular, unless the natural construction of the word indicates otherwise. The words “includes” and “including” shall mean “including but not limited to ...”.
- C. **Time limits.** Whenever a number of days is specified in this Development Code,

or in any permit, Condition of Approval, or notice provided in compliance with this Development Code, the number of days shall be construed as consecutive calendar days. A time limit shall extend to 5 p.m. on the following working day where the last of the specified number of days falls on a weekend or holiday.

- D. **Zoning Map boundaries.** See Section 3.01.020 (Official Zoning Map and Zones).
- E. **Allowable uses of land.** See Part 3 (Specific to Zones).
- F. **State law requirements.** Where this Development Code references applicable provisions of State law (for example, the California Government Code, Subdivision Map Act, or Public Resources Code), the reference shall be construed to be to the applicable State law provisions as they may be amended from time to time.